

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Yvette Barbara Baldwin,

Plaintiff,

v.

Case No. 1:10-cv-952

M&I Financial Corporation, et al,

Judge Michael R. Barrett

Defendants.

ORDER

This matter is before the Court on the Report and Recommendation (“First Report”) filed by Magistrate Judge Karen L. Litkovitz on June 6, 2011 (Doc. 17) and the Report and Recommendation (“Second Report”) filed by Magistrate Judge Karen L. Litkovitz on June 9, 2011 (Doc. 18) (collectively “Reports”). Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Reports in a timely manner.¹ See *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981). No objections to the Reports have been filed.

Although proper notice was served upon Plaintiff, both were returned to the Court due to Plaintiff’s failure to apprise the Court of her change of address. (Doc. 20; Doc. 21.) By failing to keep the Court apprised of her current address, Plaintiff demonstrates a lack of prosecution of his action. See, e.g., *Theede v. U.S. Dep’t. of Labor*, 172 F.3d 1262, 1265 (10th Cir. 1999) (holding that failure to object to a magistrate judge’s report and recommendation because of party’s failure to bring to the court’s attention a change in address constitutes failure to object in a timely manner,

¹ Notice was attached to the Report regarding objections. (Doc. 17, 3; Doc. 19, 2.)

and holding that because the report was mailed to the last known address, it was properly served and party waived right to appellate review); *see also Jourdan v. Jabe*, 951 F.2d 108, 110 (6th Cir. 1991) (holding that a pro se litigant has an affirmative duty to diligently pursue the prosecution of his cause of action); *Barber v. Runyon*, No. 93-6318, 1994 WL 163765, at *1 (6th Cir. May 2, 1994) (holding that a pro se litigant has a duty to supply the court with notice of any and all changes in his address).

Thus, no objections to the Reports have been filed. Having reviewed this matter de novo pursuant to 28 U.S.C. § 636, this Court finds both Reports to be correct. It is **ORDERED** that the Reports are hereby **ADOPTED**. As the First Report recommends (Doc. 17, 2), Plaintiff's Complaint is **DISMISSED with PREJUDICE**. Additionally, the Court certifies pursuant to 28 U.S.C. § 1915(a) that any appeal of this Order adopting the First Report would not be taken in good faith and therefore leave is denied for Plaintiff to appeal *in forma pauperis*. Plaintiff remains free to apply to proceed *in forma pauperis* in the Court of Appeals. *See Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999). And as the Second Report recommends (Doc. 19, 1), Plaintiff's Motion to Amend (Doc. 18) is **DENIED**.

IT IS SO ORDERED.

s/Michael R. Barrett
United States District Judge